

Message Text

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TO USINT CAIRO PRIORITY

C O N F I D E N T I A L STATE 248491

E.O. 11652: GDS

TAGS: SCUL, EG

SUBJECT: ARCE FELLOWSHIP PROGRAM

REF: (A) CAIRO 3968 (B) CAIRO 1669, 8 JULY 71

1. AS WE UNDERSTAND IT, ARCE IS SPONSORING ARCHEOLOGICAL ACTIVITIES UNDER TWO AUTHORIZATIONS: (A) THE 1962 US-EGYPTIAN CULTURAL RELATIONS AGREEMENT, AND (B) THE "AGREEMENT UNDER WHICH ARCE WAS ESTABLISHED" MENTIONED PARA 1 OF REFTEL A.

2. A PRIVATE PERSON SUCH AS ARCE PRESIDENT WILSON CANNOT REPEAT NOT SIGN A PROTOCOL TO AN AGREEMENT BETWEEN TWO GOVERNMENTS. ONLY THE GOVERNMENTS CONCERNED, ACTING THROUGH THEIR AUTHORIZED OFFICERS, CAN AMEND, MODIFY, OR EXECUTE ANY DOCUMENT INTENDED TO BECOME A PART OF THE ORIGINAL AGREEMENT. IN THE CASE OF AUC, A DIPLOMATIC NOTE WAS SENT BY USINT CAIRO TO THE GOE (SEE REFTEL B). IN ADDITION, AN AGREEMENT CALLED A "PROTOCOL" WAS SIGNED BETWEEN THE GOE AND AUC ON DEC. 20, 1971 (SEE CAIRO A-002, JAN 7, 1972).

3. ISSUE IN THE AUC CASE WAS WHETHER GOE WOULD CONSIDER THE UNIVERSITY A CULTURAL INSTITUTION UNDER THE 1962 AGREE-
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MENT AND THEREFORE NOT SUBJECT TO RADICAL EGYPTIANIZATION

REQUIREMENTS OF EGYPTIAN NATIONAL LAW 52/70. USG NOTE TO

GOE WAS INTENDED TO HELP IT REACH CONCLUSION AUC WAS CULTURAL INSTITUTION.

4. IN PRESENT ARCE CASE, NEED APPEARS TO BE ONLY FOR AMENDMENT OF EXISTING AGREEMENT BETWEEN ARCE AND GOE (PARA 1(B), ABOVE) TO BROADEN FIELD OF ARCE ACTIVITIES. IF THIS CONCLUSION CORRECT, WE SEE NO NEED FOR PROTOCOL TO 1962 AGREEMENT OR OTHER USG INVOLVEMENT. RATHER, THE ARCE-GOE AGREEMENT SHOULD BE AMENDED DIRECTLY BY THE PARTIES, NOT BY A PROTOCOL ATTACHED TO THE USG-GOE AGREEMENT. THE AMENDMENT OR NEW AGREEMENT COULD, OF COURSE, MAKE REFERENCE TO THE 1962 USG-GOE AGREEMENT, AS DID THE AUC "PROTOCOL".

5. IF FOR POLITICAL OR OTHER REASONS USINT BELIEVES SOME USG INVOLVEMENT IS DESIRABLE, WE ARE AGREEABLE TO YOUR SENDING NOTE TO GOE ALONG LINES OF THAT USED IN AUC CASE AS PER REFTTEL B, BUT RELYING ON PARAS 1(A) AND/OR 1(B) OF THE 1962 AGREEMENT (DEPENDING ON THE NATURE OF THE FELLOW-SHIP PROGRAM) RATHER THAN ON PARA 1(D). THIS WOULD BE IN ADDITION TO AMENDMENT OF THE ARCE-GOE AGREEMENT.

6. USINT SHOULD REVIEW PROPOSED NEW DOCUMENT TO ENSURE ARCE IS NOT ATTEMPTING TO ESTABLISH ITSELF AS SOLE REPRESENTATIVE OF US CULTURAL ACTIVITIES IN EGYPT. WE WISH LEAVE OPEN POSSIBILITY OF RESUMING THE BINATIONAL FULBRIGHT COMMISSION. RUSH

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